

EXHIBIT B

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE
TRUJILLO, individually and on
behalf of all other similarly
situated,

Plaintiffs,

No.

vs.

4:20-cv-03664-YGR-SVK

GOOGLE LLC,

Defendant.

_____ /

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CORRECTED VIDEOTAPED DEPOSITION OF MICHAEL LASINSKI
Remote Zoom Proceedings
Ann Arbor, Michigan
Wednesday, July 20, 2022

REPORTED BY:

LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

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Job No. 5308350

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1 the total dollar value by the total number of UMPBI in
2 the class period, as I explain in paragraph 197.

3 Q. BY MS. TREBICKA: And then you would calculate
4 the UMPBI attributable to each class member?

5 A. Yes. 17:13:04

6 Q. And each UMPBI would have a certain value that
7 would be equal -- each UMPBI would have an equal value
8 per month; correct?

9 A. Under the UMPBI scenario, correct.

10 Q. And similarly, just a rundown of how you would 17:13:20
11 propose to allocate the unjust enrichment damages using
12 the number of class members.

13 A. It would be a similar method. It would -- I
14 would take the damage -- I would take the resulting
15 dollar value of the unjust enrichment and divide it by 17:13:52
16 the number of class members.

17 Q. So each class member would take home the same
18 amount in unjust enrichment damages; correct?

19 A. Yes, they would.

20 Q. Now, do you think that Google earns the same 17:14:13
21 amount of revenue from each putative class member?

22 A. I have not attempted to calculate the amount of
23 revenue that they've earned for each class member. My
24 expectation, though, and my -- based on my discussions
25 with Mr. Hochman is that each class member and the 17:14:50

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1 information that they collect on each class member is
2 valuable.

3 We see in the marketplace where participants in
4 studies are compensated equally on a per month instance,
5 if you will, and it's as appropriate, in my opinion, to 17:15:11
6 also consider each class -- to consider each class member
7 and divide the total by each class member.

8 Q. Why, in your opinion, should the allocation of
9 unjust enrichment damages not be proportional to the
10 amount of revenue that Google collected from that class 17:15:41
11 member?

12 MR. LEE: Objection to form, mischaracterizes
13 facts.

14 THE WITNESS: I think we need to be clear that
15 my understanding is that Google doesn't collect revenue 17:15:58
16 from class members, that they're not -- none of these
17 class members are charged for their use here, but, in
18 fact, they do collect valuable information that is put
19 into their system and used in their system.

20 And one of the value propositions that Google 17:16:22
21 has is its reach and the fact that it collects
22 information on all of the class members and can determine
23 and represent to its customers that it has such a large
24 reach and has information on all of these users, if you
25 will, or devices, if you will, is important to its 17:16:52

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1 model -- to its model.

2 And so it is important that class members are --
3 in my opinion are either, A, treated equally or, B,
4 treated fairly based on the number of UMPBI or browser --
5 or private browser instances per month. 17:17:24

6 Q. BY MS. TREBICKA: And what is your opinion that
7 Google's -- the value that Google receives as part of
8 the -- or from the information is in part related to or
9 based on this proposition of reach of a large number of
10 class members? 17:17:48

11 A. Well, that's based on my discussions with
12 Mr. Hochman.

13 Q. What did Mr. Hochman tell you?

14 A. That it's important to Google's business that
15 they have a large reach, and the greater the number of 17:18:00
16 class members, the -- I'm sorry, not class members. The
17 greater the number of users, the greater the value of --
18 the greater their value proposition is to their
19 advertisers.

20 And so he also said that in many cases it's as 17:18:17
21 important to know whether or not, for example, somebody
22 converted or didn't convert on a specific ad, so having
23 information as to the negative as well as the positive
24 can be equally important to Google, especially when
25 you're talking about, in that case, conversions. 17:18:45

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1 And so a reasonable way to apportion the unjust
2 enrichment is to consider class members on an equal basis
3 or based on use, which is what we were talking about
4 under the UMPBI method.

5 Q. Is it based on anything other than your 17:19:08
6 discussions with Mr. Hochman?

7 A. Well, again, I mean, another -- another --
8 another data point that we talked about earlier is we see
9 in studies when they're trying to incent -- meaning Google
10 and others, trying to incent somebody to participate, 17:19:36
11 they are paid a monthly rate, and that monthly rate does
12 not change by the amount of usage for those -- for those
13 individuals.

14 Also, one thing that I think I noted earlier in
15 my testimony is that, you know, Google treats their users 17:19:59
16 similarly. It's not like Google is saying to a user that
17 spends ten hours per month on a device, "Look, you get
18 access to special Google systems or you get access to
19 special Google treatment, but you who use it only \$2 --
20 or only two hours a month, we're not going to give you -- 17:20:29
21 you know, we're going to give you the low-end service."
22 They just don't treat their customers that way -- or I
23 should say their users.

24 Q. So you've just mentioned -- before the Google
25 treats their users similarly point, you mentioned that -- 17:20:48

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1 in the studies that they're trying to -- when they're
2 trying to incentivize, they pay a monthly rate for each
3 user; correct?

4 A. They do, for each -- well, actually, for each
5 device. 17:21:06

6 Q. For each device.

7 Now, you also admitted that certain of these
8 studies have minimum use requirements; correct?

9 A. Yes, they do. Sure. Sure.

10 Q. And there's no minimum use requirement for a 17:21:21
11 private browsing user to be part of the class; correct?

12 A. That is my understanding, yes, that is correct.
13 But assuming that you meet that minimum use, it's not
14 like, say -- let's say the minimum use is five hours or
15 something and you go to ten hours. It's not like 17:21:38
16 somebody who is at 20 hours then gets \$7 or something
17 like that. It just doesn't work that way.

18 Q. Now, does the blocking of third-party cookies
19 affect Google's ability to earn revenue from the at issue
20 data? 17:22:13

21 MR. LEE: Objection to form, vague.

22 Incognito mode, Viola, or no?

23 MS. TREBICKA: At issue data. I believe it's
24 all private browsing.

25 MR. LEE: Just trying to be clear. 17:22:27

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